

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
ILLINOIS-AMERICAN WATER ) No. 09-0450  
COMPANY, )  
 )  
Application for Certificates )  
of Public Convenience and )  
Necessity to Provide Water in )  
Will County, Illinois pursuant )  
Section 8-406 of the Public )  
Utilities Act. )

Chicago, Illinois  
November 12, 2009

Met, pursuant to notice, at Chicago.

BEFORE :

JOHN T. RILEY, Administrative Law Judge

APPEARANCES :

CORPORATE COUNSEL ILLINOIS-AMERICAN WATER COMPANY  
MS. JONI K. OTT via teleconference  
300 North Water Works Drive  
Belleville, Illinois 62223  
for Illinois-American Water Company;

OFFICE OF GENERAL COUNSEL  
ILLINOIS COMMERCE COMMISSION  
MR. JAMES WEGING  
160 North LaSalle Street  
Suite C-800  
Chicago, Illinois 60601-3104  
for Staff.

1       ALSO PRESENT:

2           MR. JONATHAN SPERRY via teleconference observing  
3           for ICC Staff

4           MR. JEFFREY END via teleconference observing for  
5           Illinois-American Water Company

6           SULLIVAN REPORTING COMPANY, by  
7           Alisa A. Sawka, CSR  
8           License No. 084-004588

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
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None.

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
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None.

1           JUDGE RILEY: Pursuant to the direction of the  
2   Illinois Commerce Commission, I call Docket 09-0450.  
3   This is an application by Illinois-American Water  
4   Company for certificates of public convenience and  
5   necessity to provide water in Will County, Illinois,  
6   pursuant to Section 8-406 of the Public Utilities  
7   Act.

8                   Good morning. Did someone just join  
9   us?

10          MR. ENDE: Yes. This is Jeff Ende with  
11   Illinois-American Water.

12          JUDGE RILEY: Good morning. This is Judge  
13   Riley. How are you?

14          MR. ENDE: Pretty good.

15          JUDGE RILEY: I have Ms. Ott and Mr. Weging on  
16   the line and we have just gone on the record.

17                   Miss Ott, you are counsel for  
18   Illinois-American?

19          MS. OTT: Yes, sir.

20          JUDGE RILEY: Would you enter an appearance for  
21   the record spelling your name and stating your  
22   business address, please.

1           MS. OTT:   Yes, thank you.   My name is Joni,  
2   J-o-n-i, K, period, Ott, O-t-t.   My business address  
3   is 100 North Water Works Drive, Belleville, Illinois  
4   62223.   And my phone number is area code  
5   (618) 239-3222.

6           JUDGE RILEY:   And Mr. Wedging.

7           MR. WEGING:   Yes.   James Weging, W-e-g-i-n-g,  
8   160 North LaSalle Street, Suite C-800, Chicago,  
9   Illinois 60601 (312) 793-2877 appearing on behalf of  
10   the Commission Staff Witnesses.

11          JUDGE RILEY:   Okay.   And for the benefit of the  
12   court reporter, who -- I'm sorry, please state your  
13   name again, the individual that just joined us from  
14   Illinois-American.

15          MR. ENDE:   Jeff Ende, spelled E-n-d-e.

16          JUDGE RILEY:   Thank you.   And you're just  
17   observing the proceedings?

18          MR. ENDE:   Yes.

19          JUDGE RILEY:   And who's on the line from Staff?

20          MR. SPERRY:   Jonathan Sperry.

21          JUDGE RILEY:   Thank you.   Is that -- are you  
22   the only one from Staff?

1           MR. SPERRY:   Yes, I am.

2           JUDGE RILEY:   All right.   Thank you.

3                       My first question would be for

4   Miss Ott.   Does this petition contemplate water or

5   water and waste water?

6           MS. OTT:   Just water.

7           JUDGE RILEY:   Just water.

8           MS. OTT:   Yes.

9           JUDGE RILEY:   Because Paragraph 3 of the

10   petition says that the petitioner provides water

11   and/or sanitary sewer services, and I was wondering

12   if that was going to be included in this petition.

13           MS. OTT:   This petition is only for water

14   service, but we do provide sewer service.   It's just

15   one of those standard things.

16           JUDGE RILEY:   It's water only for this

17   petition?

18           MS. OTT:   Yes.   Yes, sir.

19           JUDGE RILEY:   Thank you.

20                       Mr. Weging, want to turn it over to

21   you.   Did you have questions with regard to the

22   petition itself?

1           MR. WEGING: Well, I don't know if you want to  
2 do this all on the record right now. I mean, we can.  
3 It's a not a big deal.

4                   In the Paragraph 9 of the application  
5 there's a reference to the West Suburban, capital WS  
6 service area. It is our understanding though at  
7 Illinois-American Water in their Chicago Metro, I  
8 believe, District does not have such a thing. They  
9 have a Southwest Suburban. And this is where even I  
10 get confused. I forget which ones are divisions and  
11 which ones are districts, but I don't want to get --  
12 further muddle this up.

13                   But that where this school is located,  
14 which is near Homer Glenn, is part of the Southwest  
15 Suburban Division of the Chicago Metro District. I  
16 think that's the right way of doing it. I'm basing  
17 this both on what Staff told me and on the published  
18 handout that Illinois-American created for the recent  
19 rate case because they had a listing of their various  
20 subdivisions of Chicago Metro on it. I know Miss Ott  
21 was looking into that to make sure.

22                   So because this case -- there's a

1 temporary certificate they want as well as the  
2 permanent, we didn't know how the ALJ will prefer us  
3 to approach this. I mean, obviously they can amend  
4 the petition, or we could -- but that might delay the  
5 temporary certificate. As long as the thing is  
6 corrected on whatever we issue, I think it will be  
7 fine, but...

8 JUDGE RILEY: Ms. Ott, can you shed any light  
9 on that?

10 MS. OTT: Yes, that was a typo. I'm sorry. It  
11 was supposed to be Southwest Suburban.

12 JUDGE RILEY: It is Southwest Suburban.

13 Well, why don't I take your motion  
14 right now to amend the petition to reflect in  
15 Paragraph 9 that the West Suburban Service Area  
16 should be -- actually read the Southwest Suburban  
17 Service Area.

18 MS. OTT: Okay. Yes.

19 Illinois-American would like to  
20 request that Paragraph 9 be amended changing the West  
21 Suburban to Southwest Suburban.

22 JUDGE RILEY: Any objection, Mr. Weging?



1           MR. WEGING:  No objection from Staff.

2           JUDGE RILEY:  The motion is granted.

3           MS. OTT:  Thank you.

4           JUDGE RILEY:  And does anyone see the need to  
5 file an amended application?

6           MS. OTT:  No, your Honor.

7           MR. WEGING:  I don't.  I mean, in one sense  
8 this is kind of something buried in the document.  
9 And they actually don't have a West Suburban, as near  
10 as I can tell.  So, I mean, there actually isn't more  
11 confusion.

12          JUDGE RILEY:  It's almost correcting a  
13 scrivener's error.  Right.  So we'll just leave it at  
14 that.

15                       Now, with regard to the matter of a  
16 temporary certificate.  Does Staff have any objection  
17 to that?

18          MR. WEGING:  No.  Staff has prepared and will  
19 try to file today a verified statement saying we have  
20 no objection in support of it.  The only condition  
21 Staff wants is to make sure that the rates -- the  
22 current rates of the Chicago Metro District and the

1 rules and other standards of the Chicago Metro  
2 District would apply to this additional customer and  
3 service. And, of course, that, in fact, is what  
4 Illinois-American is proposing any way so that there  
5 isn't much -- there isn't any controversy there. But  
6 we would like to get a verified statement on file  
7 just to say we have no objection.

8 JUDGE RILEY: That's much appreciated.

9 Is there any objection to that,  
10 Ms. Ott?

11 MS. OTT: No, your Honor.

12 JUDGE RILEY: All right. I will endeavor to  
13 get a temporary certificate -- an order for a  
14 temporary certificate --

15 MR. WEGING: Yes, the parties have been pushing  
16 a draft back and forth. And I think we're at a final  
17 draft also on that --

18 JUDGE RILEY: All right.

19 MR. WEGING: -- so that we should be able to  
20 get that to you today. I'm leaving that in  
21 Miss Ott's hand however. So...

22 MS. OTT: Yes, I can send you the Word format,

1     and I don't know -- did you want me to file it on  
2     e-Docket or just send you the Word format?

3             MR. WEGING:   Why don't you try to see if you  
4     can file it.   Convert it to a PDF to file it.

5             MS. OTT:    Okay.   And then I'll go ahead and  
6     send you the Word format to your Honor.

7             JUDGE RILEY:   Yes, and file it on e-Docket.  
8     Right.

9             MS. OTT:    Okay.   That's no problem.

10            MR. WEGING:   I guess it really should be shown  
11    as an agreed interim order.

12            JUDGE RILEY:   Right.

13                         But by all means, send it to me in  
14    Word format because that's certainly the easiest  
15    format to work with on my computer.

16            MS. OTT:    Right.

17            JUDGE RILEY:   Now, do the parties have a  
18    schedule?   I understand you've been discussing a  
19    schedule.

20            MR. WEGING:   Yes.   Let me -- I'll take the  
21    lead, if I say so.

22                         The Company was believing to put --

1     they would put on their direct case for the permanent  
2     certificate I have marked down around December 16th.  
3     I believe that's the date. And Staff would then file  
4     its reply testimony by February 1st.

5                     To be honest with you, this case is  
6     real small. We're adding a school building and the  
7     property attached thereto to an adjacent territory of  
8     Illinois-American. We don't really see -- I hate  
9     saying this because invariably when you say that  
10    that's when the case blows up in your face -- but  
11    we're not seeing a lot of issues here that -- of a  
12    contentious nature. It's more or less Staff needs to  
13    check the area and look at some records and that kind  
14    of thing. But we don't think this is going to be a  
15    very large case to do.

16                    So we only got as far as the two  
17    rounds of testimony and we're questioning whether we  
18    really need rebuttal testimony or whether to schedule  
19    it and if it turns out we don't need it, we cancel  
20    it. So we can go either way with that, either  
21    schedule rebuttal testimony or, say, schedule a  
22    hearing sometime after February 1st, see where the

1 case is and deal with it from there.

2 JUDGE RILEY: My question to the parties would  
3 be do you anticipate any issues arising? It doesn't  
4 seem like there are any right now, but we don't know  
5 for sure that they won't arise.

6 MR. WEGING: That's correct.

7 MS. OTT: Right. I don't anticipate any issues  
8 arising.

9 What we could do is maybe schedule the  
10 hearing to be either a status or an evidentiary  
11 hearing if there's no contested issues after Staff  
12 files its testimony.

13 JUDGE RILEY: That's precisely what I was  
14 thinking, to leave it with the Applicant's direct for  
15 December 16th and Staff's rely for February 1st.  
16 Sometime in the middle of February or a little bit  
17 thereafter set a date for a status. Oh, well, maybe  
18 even before the middle of February sometime in the  
19 second week, the parties have had a chance to read  
20 the testimony.

21 MS. OTT: Sure.

22 MR. WEGING: I do have a conflict on

1 February -- wrong year. I do note that the second  
2 week there's a -- it's scheduled for a Chicago  
3 session with the Commissioners on the 9th and the  
4 10th.

5 JUDGE RILEY: What is? I'm sorry.

6 MR. WEGING: The beginning of next year, 8th --  
7 9th and 10th are Chicago sessions for the  
8 Commissioner, which means the ALJs might not have all  
9 the time in the world. The way these things have  
10 been rescheduled recently it's hard to --

11 JUDGE RILEY: I haven't picked up yet on what  
12 you said about the 8th, 9th and 10th.

13 MR. WEGING: Just the 9th on the 10th. Those  
14 are Commission --

15 JUDGE RILEY: Those are the -- a prebench and a  
16 bench session?

17 MR. WEGING: Yeah.

18 JUDGE RILEY: Oh, okay.

19 MR. WEGING: They're scheduled, but...

20 How about just making it for  
21 February 8th on a Monday.

22 JUDGE RILEY: That would be fine with me.

1           MR. WEGING:  It's a week later and we should  
2   know if there's any issues or whatever.

3           JUDGE RILEY:  That gives a week to read the  
4   testimony.  Right.

5           MS. OTT:  Right.  That's fine with me.

6           JUDGE RILEY:  All right.  We'll do that then.  
7   That will be for a status, and if we need to upgrade  
8   to a -- or if we are able to upgrade to an  
9   evidentiary hearing at that point, we can do it then.  
10   But we'll just see how it works out.  That will be at  
11   10:00 a.m. again.

12          MS. OTT:  And would it be permissible to do  
13   that one by telephone as well since it's a status?

14          JUDGE RILEY:  Any objection?

15          MR. WEGING:  No objection.

16          JUDGE RILEY:  Telephonic participation will be  
17   fine.

18          MS. OTT:  Okay.  That's Monday, February 8th?

19          JUDGE RILEY:  Correct.

20          MR. WEGING:  Yes.

21          JUDGE RILEY:  10:00 a.m.

22                        Is there anything further that we need

1 to discuss with regard to this matter?

2                   Apparently not.

3           MS. OTT: Nothing from the Company.

4           MR. WEGING: Staff has said all it needs to

5 say.

6           JUDGE RILEY: All right then. I'll await the

7 submission of that draft proposed temporary

8 certificate order.

9           MS. OTT: Should I wait until Staff files its

10 affidavit to file it on e-Docket, or is it okay just

11 to file it?

12           MR. WEGING: I would think just file it. I

13 mean, our verified statements -- we'll get it on this

14 afternoon. But, I mean, I don't know that there's

15 any...

16           JUDGE RILEY: Right. One should not affect the

17 other.

18           MR. WEGING: Right.

19           JUDGE RILEY: So, yes, you would just go ahead

20 and file it.

21           MS. OTT: Okay.

22           JUDGE RILEY: And then we'll leave it at that.



1                   The parties -- Applicant's direct I'll  
2   look for on December 16. Staff's reply testimony  
3   I'll look for on February 1, 2010. And we will  
4   reconvene for status on February 8th, 2010 at  
5   10:00 a.m., and the Applicant can appear  
6   telephonically.

7                   Then we are continued to February 8th,  
8   2010. Thank you.

9           MS. OTT: Great. Thank you.

10                               (Whereupon, the above-entitled  
11                               matter was continued to  
12                               February 8th, 2010, at  
13                               10:00 a.m.)

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